

Acting Commissioner, she had sixty days in which to appeal the Court's remand order. See Fed.R.App.P. 4(a)(1)(B).

In the instant case, the sixty-day period ended on August 24, 2015.¹ Consequently, the thirty-day period for filing an EAJA claim ended on Wednesday, September 23, 2015. Plaintiff's motion, filed on September 25, 2015, is two-days late and is untimely.²

For the foregoing reasons,

IT IS HEREBY ORDERED that Plaintiff's Petition for Ward of Attorney Fees Pursuant to the Equal Access to Justice Act is **DENIED**. [Doc. 25]

/s/ Thomas C. Mummert, III
THOMAS C. MUMMERT, III
UNITED STATES MAGISTRATE JUDGE

Dated this 26th day of October, 2015.

¹The sixtieth day fell on August 23, 2015, a Sunday. Consequently, the period did not end until the next day. See Fed.R.Civ.P. 6(a)(1)(C) (providing that the last day of the period is included when computing time unless that last day is a Saturday, Sunday, or legal holiday).

²The doctrine of equitable tolling has been applied to untimely EAJA applications. See e.g., Doelling v. Colvin, 2015 WL 1280106 (W.D. Ark. Mar. 20, 2015); Sipes v. Colvin, 2014 WL 2196898 (D. Ne. May 23, 2014). The question whether the doctrine applies in late EAJA applications need not be reached in the instant case, however, because Plaintiff has offered no explanation for his untimely application. See Wagner v. Astrue, 2012 WL 2079878, *1 (N.D. Ia. June 8, 2012) (denying untimely EAJA application when, even assuming that EAJA deadline could be tolled, the plaintiff had offered no explanation for failure to timely file application); Douglas v. Astrue, 2011 WL 1212186, *1 (E.D. Mo. Mar. 29, 2011) (finding any discussion of equitable tolling unnecessary when plaintiff failed to offer any explanation for late filing).